

## CLAIMS

*Convention signed at Rio de Janeiro January 27, 1849*

*Ratified by Brazil January 27, 1849*

*Senate advice and consent to ratification January 14, 1850*

*Ratified by the President of the United States January 18, 1850*

*Ratifications exchanged at Washington January 18, 1850*

*Entered into force January 18, 1850*

*Proclaimed by the President of the United States January 19, 1850*

*Expired upon fulfillment of its terms* <sup>1</sup>

9 Stat. 971; Treaty Series 35 <sup>2</sup>

In the Name of the Most Holy and Indivisible Trinity

The United States of America, and His Majesty, the Emperor of Brazil, Desiring to remove every cause that might interfere with the good understanding and harmony which now happily exist between them, and which it is so much the interest of both Countries to maintain; and to come for that purpose to a definitive understanding, equally just and honorable to each, as to the mode of settling the long pending questions arising out of claims of citizens of said States, have for the same appointed, and conferred full powers, respectively, to wit:

The President of the United States of America, on David Tod, Envoy Extraordinary and Minister Plenipotentiary from the said States near the Court of Brazil, and His Majesty the Emperor of Brazil, upon the Most Illustrious and Most Excellent Viscount of Olinda, of His Council, and of the Council of State, Senator and Grandee of the Empire, Grand Cross of the Order of Saint Stephen of Hungary, of the Legion of Honor of France, and of Saint Maurice and Saint Lazarus of Sardinia, officer of the Imperial order of the Cross, Commander of the order of Christ, President of the Council of Ministers, Minister and Secretary of State for Foreign Affairs; who after exchanging their full Powers, which were found in good and proper form, agreed to the following articles:

### ARTICLE I

The two High Contracting Parties, appreciating the difficulty of agreeing upon the subject of said reclamations, from the belief entertained by each,—

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<sup>1</sup> Payment made by Brazil Sept. 27 and 28, 1850.

<sup>2</sup> For a detailed study of this convention, see 5 Miller 507.

one of the justice of the claims, and the other, of their injustice,—and being convinced that the only equitable and honorable method by which the two Countries can arrive at a perfect understanding of said questions, is to adjust them by a single act; they mutually agreed, after a mature examination of these claims; and, in order to carry this agreement into execution, it becomes the duty of Brazil to place at the disposition of the President of the United States the amount of five hundred and thirty thousand mil reis, current money of Brazil, as a reasonable and equitable sum, which shall comprehend the whole of the reclamations, whatever may be their nature, and amount, and as full compensation for the indemnifications claimed by the Government of said States; to be paid in a round sum, without reference to any one of said claims, upon the merits of which the two High Contracting Parties refrain from entering; it being left to the Government of the United States to estimate the justice that may pertain to the claimants, for the purpose of distributing among them the aforesaid sum of five hundred and thirty thousand mil reis, as it may deem most proper.

#### ARTICLE II

In conformity to what is agreed upon in the preceding article, Brazil is exonerated from all responsibility springing out of the aforesaid claims presented by the Government of the United States up to the date of this Convention, which can neither be reproduced, nor reconsidered in future.

#### ARTICLE III

In order that the Government of the United States may be enabled properly to consider the claims of the citizens of said States,—they remaining, as above declared, subject to its judgment,—the respective documents which throw light upon them shall be delivered by the Imperial Government to that of the United States, so soon as this convention shall receive the ratification of the Government of said States.

#### ARTICLE IV

The sum agreed upon shall be paid by the Imperial Government to that of the United States, in the current money of Brazil, as soon as the exchange of the ratifications of this Convention is made known in this capital, for which His Majesty, the Emperor of Brazil pledges himself to obtain the necessary funds at the next session of the Legislature.

#### ARTICLE V

The payment of the sum above named of five hundred and thirty thousand mil reis shall not be made until after the reception of the notice in this capital of the exchange of ratifications; but the said sum shall bear interest, at six per centum per annum from the first day of July next; the Imperial

Government, however, obliges itself to make good that interest only when, in conformity to the preceding article of this Convention, the amount stipulated shall be paid.

#### ARTICLE VI

The present convention shall be ratified, and the ratifications exchanged, in Washington, within twelve months after it is signed in this capital, or sooner if possible.

In faith of which we, Plenipotentiaries of the United States of America, and of His Majesty, the Emperor of Brazil, sign and seal the same.

Done in the City of Rio de Janeiro this twenty seventh day of January in the year of our Lord one thousand eight hundred and forty nine.

DAVID TOD	[SEAL]
VISCONDE DE OLINDA	[SEAL]